

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

United States of America	:	Case No. 3:05CR772
v.	:	
Eloy P. Perez	:	<u>ORDER DENYING MOTION TO RECONSIDER DETENTION ORDER</u>

This is a criminal case in which designated pretrial matters have been referred to the undersigned magistrate for report and recommendation and/or other appropriate action. Pending is defendant's motion to reconsider the detention order which the government opposes (Docket Nos. 10 and 11). For the reasons set forth, the undersigned denies the motion to reconsider.

Defendant was charged in a two count indictment, filed on August 3, 2005, as being a felon in possession of a firearm in violation of 18 U.S.C. § 922 (g). Following detention hearings on August 11 and August 19, 2005, the magistrate ordered that defendant be detained as he failed to overcome the presumption against release pursuant to 18 U.S.C. § 3142 (e) and (f)(1) and that the proposed conditions were inadequate to assure the safety of the community. At the hearings, defendant presented the testimony of four witnesses and proposed his release to his girlfriend of two years. The court ruled that the proposed conditions were inadequate to assure the safety of the community. Defendant has three prior felony drug trafficking convictions, prior assault convictions and was on supervised release at the time of the pending charge.

In the motion to reconsider, defendant has failed to present additional information or propose additional conditions of release. Because the court has previously heard the testimony of the witnesses, evaluated their credibility and considered the factors set forth in 18 U.S.C. § 3142 (g), the court finds no basis for granting defendant's request for pretrial release.

Accordingly, the motion to reconsider is denied.

So ordered.

/s/ Vernelis K. Armstrong
Vernelis K. Armstrong
United States Magistrate Judge